

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRIAN WARREN,

Petitioner,

v.

DAVID BERGH,

Respondent.

Case No. 4:18-cv-12282

Hon. Matthew F. Leitman

United States District Judge

**OPINION AND ORDER DENYING MOTION FOR RELIEF
FROM JUDGMENT AND DISMISSING WITHOUT PREJUDICE
TO REFILING IN THE APPROPRIATE CASE**

Petitioner, Brian Warren, has filed a document titled “Motion for Relief from Order Denying Habeas Corpus Relief Where it is Void for Lack of Jurisdiction.” (ECF No. 1.) He names as respondents the Honorable Robert H. Cleland, United States District Court Judge in the Eastern District of Michigan, and Sherry Burt, the warden of the Muskegon Correctional Facility. Although Mr. Warren conspicuously indicates that this represents an “independent action,” a review of the documents reveals that the action is merely a challenge to Judge Cleland’s decision to transfer the second or successive petition to the Sixth Circuit in *Warren v. Jackson*, No. 2:13-

cv-12936. As such, any motion for relief from judgment should be filed in that case and the instant complaint shall be dismissed without prejudice.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: August 20, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 20, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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